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CAPTA, BASIC PROTECTIONS FOR CHILDREN, IN DANGER DESPITE VIGOROUS ADVOCACY

— by Theresa Reid

In late November, the House-Senate conference committee on welfare reform produced in lieu of CAPTA a "Child and Family Services Block Grant" that is deeply troubling in its implications for abused and neglected children.

A brief overview of the context for CAPTA may help bring the current situation into focus. CAPTA was the first piece of modern legislation tailor-made to articulate a coherent federal response to child maltreatment. It was sponsored by Senator Walter Mondale and Rep. Pat Schroeder and first passed in 1974. Among its most important provisions were the establishment of a "National Center on Child Abuse and Neglect" (NCCAN), which would carry out the provisions of the act. CAPTA established a minimum definition of child abuse for use by state CPS agencies, and set important "eligi-

bility criteria" that states had to meet to receive federal funds. These criteria required, among other things, that states mandate reporting of suspected maltreatment, provide immunity for mandated reporters, promptly investigate reports of abuse, coordinate an interdisciplinary response to child maltreatment, appoint a guardian *ad litem* to represent the interests of the child in court, protect the confidentiality of reports and reporters, and maintain their own expenditures for child protective services (called the "maintenance of effort" requirement). CAPTA also established a national program of research and demonstration projects to improve our response to child abuse and neglect, and a means for disseminating that information to states.

In 1974, when CAPTA was first passed, 60,000 reports of child maltreatment were made to CPS agencies. That number rose to 1.1 million just six years later, and doubled throughout the 1980's, reaching 2.4 million by the end of the decade. The number of reports to CPS has continued to increase, reaching an estimated 3.14 million in 1994. The Gallop poll released in early December, 1995.

As APSAC members are well aware, child protective services has *never* responded adequately to this rapid increase in the number of reports of child maltreatment. CPS workers are underpaid, undertrained, underappreciated, and overworked. There have never been enough of them even to

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Book Review

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some rich clinical observations of different cases and point to the power of metaphor and children's play, but they provide no guidelines for others to follow. Surely the authors cannot expect that other well-trained clinicians can make the same interpretations that they are making.

I am also deeply concerned that the authors provide no empirical documentation of their observation system. The most basic test of validity would be to identify systematic differences between abusive and nonabusive but accused parents. This has not been done, and this shortcoming cannot be overemphasized. In addition, I know that a number of readers would be concerned about the iatrogenic effects of visits between accused fathers and their victim children. I probably observe parent-child interaction, regardless of the accusation, more often

than the average mental health professional. In some situations, however, I believe that these visits should not occur for clinical reasons.

In summary, this book inappropriately attempts to simplify a very complex process. The authors' perspective on its theoretical underpinning is dated, and the conclusions are overdrawn and unrepresentative, presenting an untested methodology as a valid procedure. This is extremely inappropriate. This book should come with a warning label.

Reference

Main, M. & Solomon, J. (1990). Procedures for identifying infants as disorganized/disoriented during the Ainsworth Strange situation. In M. Greenberg, D. Cicchetti & M. Cummings (Eds.) *Attachment in the preschool years* (pp. 121-160). Chicago: University of Chicago Press.

William N. Friedrich, PhD, ABPP, is Professor of Psychology at the Mayo Clinic, Rochester, MN

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investigate the flood of reports coming in, let alone provide needed services for the increasingly complex problems presented by children and families: these problems often now include drug abuse, spousal abuse, poverty, substandard housing in violent neighborhoods, low mental functioning, lack of education and skills, and maternal depression.

Fewer than half the children and families reported for abuse and neglect receive any services; in fact, only two-thirds of children and families for whom abuse is *substantiated* receive services of any kind—and often, services offered are the services available, not necessarily the services they need.

One response to this crisis by beleaguered CPS systems has been the *de facto* narrowing of the definition of child abuse and neglect; in order somehow to triage reports, workers in many states only investigate the more serious reports, meaning that a great deal of very real abuse is not recognized by CPS. One sign of this failure of identification is that 60% of fatal victims of abuse are not on CPS records. The failure of CPS agencies to cope with the flood of child abuse and neglect reports has been so widespread and egregious that now CPS systems in 22 states are operating under court orders that mandate improvement in the system.

Surely a crisis of this proportion with its far-reaching consequences for the society requires a comprehensive, coordinated, federal response. CAPTA was an historic first step in providing that leadership.

In the 21 years since CAPTA was first passed, it has been reauthorized and amended several times, with the level of authorized appropriations fluctuating with the political winds. However, throughout the period, the federal government consistently expressed the philosophy that child abuse and neglect was a major national problem that required specialized attention, even if it never appropriated sufficient funds to address the problem adequately. For the past 21 years, the federal government has man-

dated the existence of NCCAN, conducted a federal program of research and demonstration projects to improve our response to child maltreatment, established a reasonable minimum definition of child abuse and neglect, and maintained essential protections for children through eligibility criteria for state grant funds. NCCAN has disbursed funds for some of the most important research that has been conducted on child maltreatment; funded and overseen demonstration projects to test new ideas for prevention, intervention, and treatment; and funded resource centers and a clearinghouse through which research results were disseminated and training and technical assistance were developed and delivered.

Most Americans favor streamlining and consolidating federal bureaucracies to stretch the effectiveness of tax dollars and balance the federal budget. At first glance, this legislation looks like an effective compromise: although it does consolidate CAPTA with several other small categorical programs,¹ it maintains a federally directed program of research and demonstration in child abuse and neglect, and retains important eligibility criteria, including those for mandated reporting and immunity from liability for reporters. These are features for which APSAC fought strongly, with other members of the National Child Abuse Coalition.

However, the proposed "Child and Family Services Block Grant" undoes or undermines a great deal of what has been accomplished through CAPTA, and is deeply disturbing as a reflection of the philosophy that the price of balancing the budget should be borne by America's most vulnerable citizens. Several problems stand out.

Stated philosophy

Every bill begins with a preamble called "findings," in which the justification for the legislation is

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¹See Tom Birch's "Washington Update" in this issue of *The APSAC Advisor*, p. 36, for more information.

articulated Findings do not carry statutory weight, but reflect the philosophy of the drafters. Omitted from the new "findings" are two important points, which have been in CAPTA for years: that child abuse and neglect is a matter of the highest national urgency, and that it is everyone's problem.

The omission of these findings is baffling. If child abuse and neglect is not a matter of the highest national urgency and a concern of every American, what is? Unfortunately, the philosophy underlying this omission is reflected in several other changes that dramatically shrink the federal government's commitment to the protection of American children.

Limiting enforceability of eligibility criteria

CAPTA's eligibility criteria were never as strictly enforced as they might have been. However, the legislative language insisted that in order to qualify for these funds, states "shall" demonstrate to the Secretary of Health and Human Services that they comply with the criteria. The current legislation significantly weakens enforceability, requiring only that states provide a "certification" to the Secretary that the criteria are being observed.

(Strangely, the only requirement that is explicitly enforceable is that eliminating barriers to interracial adoption. For that requirement, the proposed legislation uses the strongest enforceability language available, explicitly stating that states will lose their funds if race plays a factor in adoption decisions.)

Elimination of critical eligibility criteria

Three critical eligibility criteria have been omitted. States are no longer required

- To appoint a guardian *ad litem* for children involved in the system
- To promote interdisciplinary coordination in response to reports
- To maintain their own expenditures in child protection

(States are, however, newly required to have in place a formal appeals process for parents for whom reports are substantiated, and to expunge records of reports that are unfounded.)

Although mandated reporting and immunity from liability for mandated reporters who act in good faith have been retained, these criteria are less meaningful since enforceability has been limited.

• Elimination of NCANDS and AFCARS data collection systems.

Strangely, the legislation specifies a long list of matters about which states must provide data (thus maintaining detailed federal requirements re: data collection) but eliminates the data collection efforts in which states have already invested heavily—the National Child Abuse and Neglect Data System (NCANDS) and the Adoption and

foster Care Analysis and Reporting System (AFCARS)—and eliminates the funds states need to build the infrastructure necessary to participate in these national data collection efforts (SACWIS funds). This strange about-face adds work for states with no means to pay for it; wastes the huge investment states have already made in data collection efforts; and severely sets back the nation's effort to determine the size of the problem of child maltreatment and track outcomes of reports.

No prevention setaside

Unlike current law, this legislation earmarks no money specifically for prevention. Without a prevention setaside, states are more likely to devote all of their resources to crisis intervention rather than prevention—especially since other changes in welfare legislation are likely to increase the number of crises to which CPS agencies are expected to respond.

Elimination of NCCAN

The legislation eliminates the National Center on Child Abuse and Neglect. Presumably the functions of the act would be carried out by another federal agency, probably within the Children's Bureau. Although many criticisms of NCCAN's functioning have been voiced through the years, the elimination of the only agency charged with coordinating the nation's response to child abuse and neglect is surely a serious loss for children and families.

Narrowing of the definition of child abuse and neglect.

The legislation narrows the definition of child abuse and neglect, for the first time including the words "recent," "imminent," and "serious," so that the federal definition of child abuse and neglect now reads, "The term "child abuse" means, at a minimum, any *recent* act or failure to act on the part of a parent or caretaker, which results in death or serious physical, sexual, or emotional harm, or presents an *imminent* risk of such harm." Instead of providing the support states need to cope with all the families who need assistance, this change gives official federal approval to states to screen out even more children.

Decrease in authorized funding

The legislation decreases *authorized* funding by at least 14%. If the legislation is actually funded at the levels it has seen in the past—about half the authorized amount—this nation's expenditure for research, demonstration, training, and dissemination activities specifically pertaining to child abuse and neglect will be about half what Demi Moore makes for one movie. The contrast should shock us into a serious look at the nation's priorities.

As we know, child abuse and neglect is at the root of many social ills, with the majority of drug

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addicts, prison inmates, teen prostitutes, and teen mothers having been victims of abuse and neglect in childhood, as well as millions of people whose adult functioning is severely compromised by child maltreatment. For this vast social problem, which has steadily worsened in the 30 years since its official recognition, federal legislators are now proposing that we spend less than \$14 million to *improve* our response to it. Legislators seem to have learned nothing from the reports they have commissioned, at some expense, from the U.S. Advisory Board on Child Abuse and Neglect, the National Academy of Sciences, and other federal bodies.

Recommended action

The President, the leaders of the House (Rep. Newt Gingrich) and Senate (Sen. Bob Dole), your own representatives, and the legislators who served on the House-Senate conference committee on welfare reform need to hear, immediately, that the proposed "Child and Family Services Block Grant" is inadequate. You can contact them at the following addresses:

President William Jefferson Clinton
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Dear Mr. President:

White House Comment Line: 202-456-7639

To the Vice President
The Vice President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500
Dear Mr. Vice President:

To Senators
The Honorable (insert full name):
United State Senate
Washington, DC 20510
Dear Senator (insert last name):

To Representatives
The Honorable (insert full name):
US House of Representatives
Washington, DC 20515
Dear Representative (insert last name):

For the phone number of any legislator, call the Capitol Switchboard at 202-225-3121.

House conferees:

- | | |
|--------------------------------|-------------------------|
| Tim Hutchinson (AR-R) | Pat Roberts (KS-R) |
| Blanche Lambert Lincoln (AR-D) | Jim McCrery (LA-R) |
| George Miller (CA-D) | David Camp (MI-R) |
| Henry Waxman (CA-D) | John Conyers (MI-D) |
| Nancy Johnson (CT-R) | Sander Levin (MI-D) |
| Gary Franks (CT-R) | William Clay (MO-D) |
| Barbara Kennelly (CT-D) | Bill Emerson (MO-R) |
| Clay Shaw (FL-R) | James Talent (MO-R) |
| Sam Gibbons (FL-D) | Bill Goodling (PA-R) |
| Jim Nussle (IA-R) | Harold Ford (TN-D) |
| | Bill Archer (TX-R) |
| | Kika de la Garza (TX-D) |
| | Lamar Smith (TX-R) |

Senate conferees:

- | | |
|-------------------------|-------------------------|
| David Pryor (AR-D) | Christopher Dodd (CT-D) |
| William Roth (DE-R) | Dan Coats (IN-R) |
| Charles Grassley (IA-R) | Nancy Kassebaum (KS-R) |
| Bob Dole (KS-R) | Barbara Mikulski (MD-D) |

- | | |
|--------------------------------|-----------------------|
| John Breaux (LA-D) | Edward Kennedy (MA-D) |
| Bill Bradley (NJ-D) | Judd Gregg (NH-R) |
| Daniel Patrick Moynihan (NY-D) | James Jeffords (VT-R) |
| John Chafee (RI-R) | Richard Lugar (IN-R) |
| Orrin Hatch (UT-T) | Jesse Helms (NC-R) |
| | Patrick Leahy (VT-R) |

1995 ACCOMPLISHMENTS

The end of the year is always a good time to take stock of accomplishments and set goals for the coming months. Through many important achievements in 1995, APSAC has advanced its major aim: to ensure that everyone affected by child maltreatment receives the best possible professional response.

Legislative Advocacy

- In 1995, APSAC developed a viable organizational structure for analyzing and influencing legislation affecting abused and neglected children. We established the **Legislative Network**, allowing us to fax legislative alerts to interested members. Nearly 200 APSAC members have signed up for the Network in its first few months, and have already received several notices regarding the progress of CAPTA. Thanks to those Legislative Network members who have sent us copies of letters to legislators, we know the Network is effective!

- APSAC also established a **Legislation Committee**, chaired by Howard Dubowitz, MD, which analyzes legislation and makes recommendations to the Board of Directors regarding policy positions and legislative advocacy. We were happy to be able to involve more of APSAC's members in a national committee by drawing most Legislation Committee members from active members of the Legislative Network.

- APSAC has worked closely with the National Child Abuse Coalition and congressional staff throughout the year to safeguard legislation affecting abused and neglected children.

Media Relations

- APSAC's media profile is rising, with APSAC press releases, letters, and leaders quoted in major publications, including *The Washington Post*, *The New York Review of Books*, *USA Today*, *Time Magazine*, *The New York Times*, and *The Chicago Tribune*. Many of APSAC's chapters are assisting in media relations by forming media relations committees and mechanisms for distributing APSAC's releases and comments (see the current issue of *State Chapter News*, enclosed in this issue of *The APSAC Advisor*.)

State Chapter Development

- 1995 has seen the rapid development of many APSAC chapters, including the incorporation of chapters in Connecticut and Oklahoma; the official chartering of chapters in Georgia, Michigan, and Washington, D.C.; and the early stages of chapter formation in West Virginia. Thanks to the

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efforts of dozens of committed volunteers, APSAC's chapters have successfully produced informative newsletters and conferences, sponsored important task forces and committees responsive to local conditions, and worked effectively with state legislatures to ensure the passage of child-friendly legislation.

- *State Chapter News* was developed in 1995 to bring national attention to the impressive work of APSAC's chapters. The latest issue (enclosed with this *Advisor*) conveys just some of the most recent activities of APSAC's increasingly vital chapter network.

Publications

1995 has been a banner year for APSAC publications. In addition to the quarterly *APSAC Advisor* and the new *State Chapter News*, APSAC volunteers and staff have produced this impressive list of publications in 1995:

- *Guidelines for Psychosocial Evaluation of Suspected Psychological Maltreatment in Children and Adolescents*
- *Guidelines for the Use of Anatomical Dolls in Child Sexual Abuse Assessments*
- *Guidelines for Photographic Documentation of Child Abuse*
- *Guidelines for Descriptive Medical Terminology in Child Sexual Abuse Medical Evaluations*
- *Child Maltreatment*, the new quarterly journal, first issue appearing in February 1996
- *The APSAC Handbook on Child Maltreatment*, to be issued in January 1996
- *The APSAC Study Guides*, published in December 1995
- The APSAC Fact Sheet on Ritual Abuse (enclosed, this issue)
- The APSAC Statement on Therapist Roles and Responsibilities (enclosed, this issue)
- The Program Book for APSAC's 1995 National Colloquium

This list of publications, many of them long in the making, represents remarkable progress toward

the goal of making high-quality, relevant, data-based publications readily available to APSAC's members.

Professional Education

- APSAC's National Colloquium was offered for the third year in a row, and attendance and evaluations were higher than ever. By combining advanced, intensive skills seminars and a forum for field-generated research, skills, and program presentations, APSAC's Colloquium offers the best of training and high-powered professional interaction.

- APSAC's six-hour Advanced Training Institutes, offered in conjunction with the San Diego Conference on Responding to Child Maltreatment in January, also attracted more participants and better ratings in 1995 than in any previous year.

- In September 1995, APSAC submitted a proposal to the National Institute of Justice to produce handbooks for attorneys and expert witnesses involved in child sexual abuse litigation. If the proposal is funded, 1996 will see the production of two very practical publications giving attorneys and mental health experts hands-on guidance in case law, trial preparation, relevant research, and uses of expert testimony.

Long Range Planning

APSAC's Board of Directors and Long Range Planning Committee pursue an ongoing process of planning for the future and assessing progress in reaching the organization's goals. At a retreat in early December, APSAC's Long Range Planning Committee engaged in a rigorous evaluation of past performance and analysis of ways to enhance our effectiveness in fulfilling APSAC's mission. More details about this meeting will be provided in the next issue of *The APSAC Advisor*. We have appreciated getting members' input in the past, and hope you will continue to share with the leadership your hopes for APSAC's future.

HELP APSAC BUILD ITS MEMBERSHIP!

The more members APSAC has, the more loudly we can speak on Capitol Hill, in state houses, and in the media. Surveys consistently reveal that word of mouth is the single best form of advertising. Please urge your colleagues to join APSAC. You can stress the following benefits of membership.

- *The APSAC Advisor*
- *Child Maltreatment*
- A strong voice on Capitol Hill
- Efforts to educate the media about issues in child abuse and neglect
- An interdisciplinary professional network of thousands of colleagues, which can be tapped with a phone call to the national office

- A network of state chapters through which interdisciplinary colleagues work together to address local issues
- Audiotapes, publications, conference discounts, and other resources for professionals

Do you speak or offer training to child abuse professionals? Call the national office to receive a slide or overhead displaying APSAC's address, phone number, and benefits of membership for use when you make presentations. APSAC will also provide publications for you to distribute at meetings and conferences.

Please help us build the membership we need to be most effective!